

county. This would expand that. It would expand that law. It's a model after other states which would allow that transfer to other jurisdictions, not just adjoining counties and I would move for the advancement of 562.

PRESIDENT: Senator Murphy.

SENATOR MURPHY: A question of Senator Barnett.

SENATOR BARNETT: Yes.

SENATOR MURPHY: Senator, I notice again we're limiting this motion to one party. Would it not be proper that a prosecutor who felt he was under the same burden of being unable to obtain an equitable hearing in that particular county should have the same right as the defendant to petition that the jurisdiction be changed? Could we not strike "defendant" and make it "either party at interest"?

SENATOR BARNETT: I myself don't find any objection to that but, Murph, could I do this? Could I ask this of you? Could I go ahead and check that out and see if they can't already do that and then we can make the amendment on Select File? I'm not trying to argue your point. You have a good point, and I'll check on that and find out what could be done in that event, if that would be all right with you?

SENATOR MURPHY: Well possibly Senator Reutzel would have a comment at this point. I don't know.

SENATOR BARNETT: Okay.

SENATOR REUTZEL: Senator Murphy, I wouldn't have any objection to that. I don't know that it's needed but I would prefer that you put that on Select File so we can move the bill.

SENATOR MURPHY: Fine. As you like.

SENATOR BARNETT: Can I answer that a little bit farther?

PRESIDENT: Well, we have an amendment now. Maybe we'd better take up Senator Murphy's amendment.

SENATOR BARNETT: Okay.

SENATOR MURPHY: I've agreed to hold that until Select File, Mr. President.

PRESIDENT: All right. Go ahead.

SENATOR BARNETT: Senator Murphy, I do understand that the county attorneys are not protected by the constitution as to a fair and impartial jury. That's one of the things we have in the system where it doesn't say that they can obtain that or they have one and if you'd have to--I will check further to find out if you will have to change the constitution to do what you're trying to do, but at this time the prosecution is not guaranteed a fair trial or an impartial jury.

SENATOR MURPHY: I think the prosecution, however, works at the interest of the public and I think the best interest of the public have as much right to be (interruption.)